

## REMARKS

In accordance with the foregoing, claims 8, 10, 12, 13 and 16 have been amended. Claims 9, 14 and 17 have been cancelled. Claims 1-8, 10-13, 15-16 and 18-19 are pending and under consideration.

The objection to the drawings is respectfully traversed, because operation 500 in Fig. 5 illustrates classifying the defect based on length of the defect.

The rejection under 35 U.S.C. § 101 is overcome by the present amendments.

The rejection under 35 U.S.C. § 103 is respectfully traversed. Independent claim 1 (used herein as an example) recites classifying the defect into a second category indicating that the data is not normally reproducible even though the data is normally recordable.

Takasago determines whether the duration time of an off-track signal exceeds a first time interval T1 or a second time interval T2. The Examiner relies upon the period between T1 and T2 as corresponding to the claimed second category. However, Takasago does not discuss reproducibility with respect to this time period. Instead, the reference teaches that recording is stopped and data is re-recorded on another sector on the same track. Takasago, col. 3, ln. 30-36. There is no discussion regarding reproducibility.

Furthermore, claim 14 recites that the first reference length is a maximum length of the defective region where a servo status is stable and data is readable without any additional operation of the optical disc recording apparatus after data is recorded. In contrast, Takasago teaches that time T1 is shorter than a time necessary to cause off-track due to abnormality in optical disc apparatus. Thus, Takasago only teaches that the time T1 is shorter, but is not the maximum time. Takasago, col. 3, ln. 46-48. Also, Takasago does not determine time T1 based upon servo status.

Claim 15 recites the second reference length is a maximum length of the defective region where a servo status is stable. Column 3, lines 49-51 of Takasago discusses the time T2 and also do not teach a maximum time and servo status.

Accordingly, withdrawal of the rejection is requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By:



Michael J. Badagliacca  
Registration No. 39,099

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501